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Chief Magistrate Judge James P. Donohue

2                   JUL 10 2017  
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4                   AT SEATTLE  
5                   CLERK U.S. DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   DEPUTY  
8                   BY

7                   UNITED STATES DISTRICT COURT FOR THE  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10                  UNITED STATES OF AMERICA,

11                  NO. MJ17-213

12                  Plaintiff

13                  MOTION FOR DETENTION

14                  v.

15                  RIBEIRO TRELHA GUSTAVO,  
16                  a/k/a Matos Fontinele,

17                  Defendant.

18                  The United States moves for pretrial detention of the Defendant, pursuant to 18  
19                  U.S.C. 3142(e) and (f)

20                  1.     **Eligibility of Case.** This case is eligible for a detention order because this  
21                  case involves (check all that apply):

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- 23                   Crime of violence (18 U.S.C. 3156).
- 24                   Crime of Terrorism (18 U.S.C. 2332b (g)(5)(B)) with a maximum sentence  
25                  of ten years or more.
- 26                   Crime with a maximum sentence of life imprisonment or death.
- 27                   Drug offense with a maximum sentence of ten years or more.

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- Felony offense and defendant has two prior convictions in the four categories above, or two State convictions that would otherwise fall within these four categories if federal jurisdiction had existed.
- Felony offense involving a minor victim other than a crime of violence.
- Felony offense, other than a crime of violence, involving possession or use of a firearm, destructive device (as those terms are defined in 18 U.S.C. 921), or any other dangerous weapon.
- Felony offense other than a crime of violence that involves a failure to register as a Sex Offender (18 U.S.C. 2250).
- Serious risk the defendant will flee.
- Serious risk of obstruction of justice, including intimidation of a prospective witness or juror.

2. **Reason for Detention.** The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

- Defendant's appearance as required.
- Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 3142(e). The presumption applies because:

- Probable cause to believe defendant committed offense within five years of release following conviction for a qualifying offense committed while on pretrial release.
- Probable cause to believe defendant committed drug offense with a maximum sentence of ten years or more.
- Probable cause to believe defendant committed a violation of one of the following offenses: 18 U.S.C. 924(c), 956 (conspiracy to murder or kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism).

1            Probable cause to believe defendant committed an offense involving a  
2           victim under the age of 18 under 18 U.S.C. 1591, 2241, 2242, 2244(a)(1),  
3           2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through  
4           2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

5           4. **Time for Detention Hearing.** The United States requests the Court  
6           conduct the detention hearing:

7            At the initial appearance  
8            After a continuance of \_\_\_\_ days (not more than 3)

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10           DATED this 10<sup>th</sup> day of July, 2017.

11           Respectfully submitted,

12           ANNETTE L. HAYES  
13           United States Attorney

14             
15           BENJAMIN T. DIGGS  
16           Special Assistant United States Attorney